

Plaintiffs' Previously Propounded Discovery Requests Related To Defendants' Post-Discovery Documents That Would Require Post-Discovery Supplementation

Plaintiffs' First Request for Production of Documents:

Document Request No. 5: All documents in your possession, custody or control, regarding problems and/or inaccuracies in MACWIS data such as described on pages 22-23 of the Self-Assessment, and all documents regarding efforts to address those problems and/or inaccuracies. [relates to accuracy of data reported in Defendants' post-discovery documents]

Document Request No. 7: All regular or ad hoc management reports in your possession, custody or control, generated by MACWIS, including but not limited to:

- a. Aggregate reports detailing regional and state data totals, such as discussed on page 21 of the Self-Assessment.
- b. Reports provided to the Quality Improvement Unit, the Foster Care Review Staff and Regional Directors.
- c. Monthly and quarterly reports generated for purposes of corrective action and system evaluation, including but not limited to reports concerning monthly contacts by caseworkers with foster children and the provision of medical care to foster children, such as described on page 49 of the Self-Assessment.
- d. Reports that identify children who have been in the custody of DHS 15 out of the last 22 months.
- e. Reports reflecting the number of abuse and neglect investigations that have been undertaken, including any reports that identify the number of investigations on child victims while in DHS custody.
- f. Custody Contact, Open Investigation and Permanency Reports.

Document Request No. 8: All internal and external assessments, audits, evaluations or reviews of DFCS operations and practice in your possession, custody or control, including but not limited to documents generated by the Quality Improvement Unit, 6-month reviews, Peer Reviews, Program Integrity Unit reviews, and all documents regarding any response, corrective action or "action plan" requested or undertaken in relation to those assessments audits, evaluations, and reviews.

Document Request No. 9: All reports in your possession, custody or control, of case planning non-compliance issues generated by the Foster Care Review Program Administrator such as discussed on page 27 of the Self-Assessment, and all responses to those reports, including but not limited to all responses from Regional Directors.



Document Request No. 12: All "Quality Assurance reports" in your possession, custody or control, including but not limited to the reports that are "consistent with" the Child and Family Service Review, such as discussed on page 43 of the Self-Assessment.

Document Request No. 14: Every report of "foster care review deficiencies," such as described on page 47 of the Self-Assessment.

Document Request No. 16: All documents in your possession, custody or control, prepared for, concerning, or generated by any Service Array Assessment, such as described on page 69 of the Self-Assessment.

Document Request No. 18: Any adoption disruption assessment, such as discussed on page 81 of the Self-Assessment.

Document Request No. 20: The Foster Care Reviewers Monthly Activity Reports.

Document Request No. 21: All documents in your possession, custody or control, reflecting the turnover and vacancy rates for DFCS caseworkers, managers and supervisors.

Document Request No. 22: All documents in your possession, custody or control, concerning DFCS caseworker caseloads, staffing to census ratios, and adequate staffing estimates, such as discussed on pages 12-15 of the Self-Assessment.

Document Request No. 23: All documents in your possession, custody or control regarding staffing cutbacks, hiring freezes or temporary assignments at DFCS.

Document Request No. 24: All documents in your possession, custody or control, reflecting the number of children in DHS custody freed for adoption, including the numbers broken down by county.

Document Request No. 25: All documents in your possession, custody or control, reflecting the number of adoptions of children in DHS custody that have been finalized, including the numbers broken down by county.

Document Request No. 26: All documents in your possession, custody or control, reflecting the number of placement moves experienced by children in DHS custody, including the numbers broken down by county.

Document Request No. 27: All documents in your possession, custody or control, reflecting the most current listing of licensed or approved placements for children in DHS custody, whether provided by DHS, other public agencies, or by private agencies with which Defendants contract, including the agency providing such placements, the level of care provided by such placements, the location of the placements, the date the placements were licensed or approved, the number of children approved to be placed in these placements, and the number and ages of foster children actually placed in these placements.

Document Request No. 28: All documents in your possession, custody or control reflecting the placement of children in DHS custody in unlicensed homes or facilities.

Document Request No. 29: All documents in your possession, custody or control concerning children in DHS custody who are awaiting new foster placements, certain specific placements, or certain types of placements, such as therapeutic foster home placements, including but not limited to logs and wait lists.

Document Request No. 33: Any and all correspondence received from or sent to the Department of Health and Human Services, Administration for Children and Families, from 2003 to the present, regarding the 2004 Child and Family Services Review of the State of Mississippi's child welfare program and any related Program Improvement Plan (PIP).

Document Request No. 34: Any and all Program Improvement Plans (PIPs) submitted to the Department of Health and Human Services, Administration for Children and Families subsequent to the 2004 Child and Family Services Review of the State of Mississippi's child welfare program.

Document Request No. 35: Any and all documents relating to child maltreatment reports, child abuse and neglect investigations, critical incident reports, child fatality reports, or special reviews regarding the abuse or neglect of children in DHS custody or of children in homes or facilities where children in DHS custody reside, including facilities not licensed by DHS.

Plaintiffs' Third Request for Production of Documents:

Document Request No. 1: All documents concerning Defendants' Eleventh Defense in this action including, but not limited to: (a) all documents concerning the "availability of funds" referred to therein, including, without limitation, documents concerning the nature, extent and cause of any limitation on said availability; and (b) all documents concerning "the funds necessary to effectively operate and manage the child welfare system of the State of Mississippi," including, without limitation, documents concerning the amount of funds necessary to prevent harm to foster children, as well as the calculation thereof.

Document Request No. 3: All documents concerning Mississippi State child welfare and foster care budgets, budget presentations, budget requests, denials of budget requests, budget negotiations, budgetary analysis, projections, expenditures, strategic plans, projections, allocations, and spending, including, but not limited to: (a) Mississippi State funding for purposes of Mississippi Department of Human Services' ("DHS") Division of Family and Children's Services ("DFCS") child welfare programs ("State Funding"); and (b) federal funding of any kind, including federal Title IV-E funding, Social Security Act funding (including the state's plan for implementing the Foster Care Independence Act of 1999 ("FCIA"), or Chafee Foster Care Independence Program), Social Services Block Grant ("SSBG" or Title XX), and/or TANF Block Grant, for purposes of DHS child welfare programs ("Federal Funding").

Document Request No. 6: All documents of legislative hearings, proceedings, or testimony and/or legislative submissions concerning DHS and DFCS budgetary and/or fiscal matters in regard to child welfare and/or foster care.

Document Request No. 7: All documents concerning federal Title IV-E penetration rates and reimbursements for administrative and training expenses for the fiscal years 2000 through the current fiscal year.

Document Request No. 8: All documents concerning Title IV-E funding increases, decreases or impairments, for each and any of the fiscal years 2000 through the current fiscal year, including, but not limited to instances in which Title IV-E funding was impaired, permanently or temporarily, for any reason, such as (a) the placement of otherwise Title IV-E eligible children into foster care homes or facilities not meeting federal eligibility criteria; (b) lapsed legal custody orders; (c) untimely annual permanency hearings; (d) the failure by DHS to obtain an initial court order providing that removal was "in the best interests" of the foster child; (e) the failure to obtain a court order within 60 days of removal providing that "best efforts were used to avoid the need for removal" by DHS; and/or (f) failure to hold annual permanency hearings.

Document Request No. 10: Documents stating, or otherwise sufficient to establish, the total number of foster children taken into DHS custody for each of the fiscal years 2000 through the current fiscal year and, for each such year, the total number of foster children: (a) determined to be eligible for Title IV-E funds; and (b) designated and submitted as Title IV-E eligible to HHS for purposes of federal matching funds

Document Request No. 14: Documents stating, or otherwise sufficient to establish, the State of Mississippi's TANF Block Grant in each of the state fiscal years 2000 through the current fiscal year, and the total TANF "carryover fund" currently held by Mississippi with the federal government.

Document Request No. 16: All documents concerning state and federal audits or reviews of DHS or DFCS fiscal practices related to the funding of DFCS programs including, but not limited to, documents prepared by independent third-parties.

Document Request No. 18: All documents reflecting DFCS's efforts to (a) maximize the availability of general funds; and (b) maximize federal matching funds.

Document Request No. 19: All documents concerning DFCS cost-cutting measures.

Document Request No. 20: All documents regarding services rendered to DHS, DFCS or the State of Mississippi by private entities or non-state employed individuals, such as consultants, outside professionals, or academics, on a fee or volunteer basis, by contract or informally, on the subject areas listed in Nos. 2-19 above, including all work product, findings and reports generated, and all communications between such private entities and non-state employed individuals and state entities or employees.

Document Request No. 21: All DFCS Weekly Significant Activities Reports.

Document Request No. 22: All DFCS and/or DHS Monthly Budget Status Reports.

Plaintiffs' Fourth Request for Production of Documents:

Document Request No. 1: All documents concerning the current DHS staff training curriculum(s), and related training resources/tools.

Document Request No. 2: All documents concerning any DHS staff training plan, including but not limited to any training plan developed in collaboration with Child Welfare National Resource Center for Program Development as discussed at DHS 017279.

Document Request No. 3: All documents concerning the Training Institute as described at DHS 017270, 017286, including but not limited to its implementation, curriculum, and attendance.

Document Request No. 4: All documents concerning the current DHS training curriculum(s) for foster and adoptive parents.

Plaintiffs' Fifth Request for Production of Documents:

Document Request No. 1: All documents in the possession of the Governor's Office concerning DHS and DFCS's ability to meet its mandated functions and protect children, including but not limited to briefings, meeting minutes, memos, complaints, letters, email and other communications.

Document Request No. 6: Any memos, directives and policies concerning the entry of information in the Mississippi Automated Child Welfare Information System (MACWIS).

Document Request No. 7: All DHS/DFCS Requests For Proposals (RFPs) to provide services that include services to Foster Children.

Document Request No. 11: All documents in the possession of the DHS Division of Program Integrity that concern complaints, allegations, reports, investigations and any related actions regarding the failure of DFCS staff to protect foster children.

Plaintiffs' First Set of Interrogatories:

Interrogatory No. 4: Identify the total number of licensed foster homes available to DFCS for placement of foster children as of (a) January 1, 2004, (b) January 1, 2005, and (c) the present.

Interrogatory No. 5: Identify the total number of unlicensed relative or kinship homes being used for Foster Care Placements as of (a) January 1, 2004, (b) January 1, 2005, and (c) the present.

Interrogatory No. 8: Identify all DHS-licensed foster homes in which a Foster Child is currently placed in which more than six children (foster, adoptive, and/or biological) under the age of 18 live, and provide the total number of children living in each of these homes.

Interrogatory No. 9: Identify all Foster Children currently in an unlicensed placement, whether by court order or otherwise.

Interrogatory No. 11: Other than in regard to travel and/or vacation, identify each Foster Child and Named Plaintiff that was required to stay overnight in a hotel or DHS office, and for each child and/or Named Plaintiff, provide the total number of instances (nights) that such accommodations were required.

Interrogatory No. 12: Identify the total number of abuse and neglect reports received by DHS alleging maltreatment of foster children in Foster Care Placements for (a) 2003, (b) 2004, and (c) the current year to date.

Interrogatory No. 13: As for the abuse and neglect reports identified in response to subparts (a)-(c) of Interrogatory Number 12, identify, for each subpart, (a) the alleged child victims; (b) whether the reports resulted in a documented investigation; and (c) the reports that were evidenced/substantiated for abuse or neglect.

Interrogatory No. 14: Identify all foster children who have died or been involved in critical incidents in (a) 2002, (b) 2003, (c) 2004, and (d) the current year.

Interrogatory No. 16: Identify the number of foster children, including their names, case numbers, and ages, who were not seen for at least an annual medical examination in (a) 2002, (b) 2003, (c) 2004, and (d) any subsequent calendar year.

Plaintiffs' Second Set of Interrogatories:

Interrogatory No. 1: Identify by name and MACWIS ID number all children identified in MACWIS as having a report of maltreatment while in DHS custody, including but not limited to the children reflected in the October 16, 2004, January 15, 2005, and April 15, 2005 MACWIS reports titled: "Counts of Maltreated Children While in Custody in Placement" and "Summaries of Maltreated Children While in Custody in Placement" (DHS019057-019058, 019059-019060, and 038630-038631), and for each such child indicate:

- a. Whether maltreatment was evidenced; and
- b. The child's region and county of placement at the time of the alleged maltreatment, as reflected in MACWIS.

Interrogatory No. 2: In regard to each child identified in response to Interrogatory Number 1, provide the following MACWIS Investigation Report information related to the alleged maltreatment of these children while in DHS custody:

- a. Incident date(s);
- b. Report date(s);
- c. Perpetrator(s) and Relationship(s) to victim;
- d. Allegation(s);
- e. Worker Findings; and
- f. Name(s) of Investigating Worker(s).

Interrogatory No. 3: In regard to each alleged perpetrator identified in response to Interrogatory Number 2(c), indicate whether they have ever been licensed by DHS, and if so, indicate how their licensure status was affected, if at all, by the allegations and/or findings of maltreatment concerning any child identified in response to Interrogatory Number 1.